

PART I

SPECIAL CHARTER*

* **Editors Note:** Catchlines have been added or altered, in brackets, by the editor to sections not containing catchlines, and some article headings added or altered by words in brackets. Otherwise, the charter has been printed in the form as furnished to the editor, except that the word "municipal" has been inserted in brackets in the corporation court provisions; and the editor has inserted footnotes citing relevant state law in several places. Amendments have been worked into their proper places and are indicated by history notes appearing in parentheses () at the end of the amended sections.

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ARTICLE I.

[INCORPORATION; FORM OF GOVERNMENT; BOUNDARIES]

Sec. 1. [Incorporation].

The inhabitants of the City of Brenham, in Washington County, Texas, as the boundaries and limits in said City now are or may hereafter be established, shall be and are hereby constituted a body politic and corporate by the name of the City of Brenham and as such shall have perpetual succession, may use a corporate seal and sue and be sued.

Sec. 2. Boundaries.

The boundaries and limits of the City of Brenham, until changed as hereinafter provided, shall be as follows:

Situated in Washington County, Texas, and situated mostly on the A. Harrington League, a small strip of the west portion being of the Philip D. Coe League and a part in the northeast corner being in P & A Hope One-Half League.

Beginning at a point in the middle of the north boundary one mile distant N 13 from center of the Court House Square which is the center of the City of Brenham. Thence S 77 W crossing the GC & SFR.R. at one

mile to the northwest corner also crossing the line between the A. Harrington & Philip D. Coe Leagues. Thence with the west line of the City S 13 E crossing the H. & T.C.R.R. 3,800 vrs. or two miles to the southwest corner. Thence N 77 E crossing the aforesaid league line, also crossing the GC & SFR.R. at 3,800 vrs. or two miles to the southeast corner. Thence N 13 W crossing the H & TCR.R. and the P. & A. Hope One-Half League Line at 3,800 vrs. or two miles distant to the northeast corner. Thence S 77 W crossing P. & A. Hope One-Half League Line at 1,900 vrs. or one mile to the beginning corner comprising an area of 2,560 acres of land.

Sec. 3. Extension of boundaries.

The City Council shall have the power by ordinance to fix the boundary limits of the City of Brenham; and to provide for the alterations and extension of said boundary limits, the annexation of additional territory adjacent to the City, and the detachment or disannexation of territory, with or without the consent of the owners and inhabitants of the territory annexed, detached or disannexed. That upon the introduction of any such ordinance in the City Council, it shall be published in the form in which it may be finally passed, in a newspaper published in the City of Brenham at least one time, and said ordinance shall not thereafter be finally acted upon until at least ten (10) days have elapsed after the first publication thereof; and upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, the same shall be part of the City of Brenham, and the property situated therein shall bear a pro rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the corporate limits of the City shall be reduced by the territories so detached or disannexed. All of the annexing, detachment, or disannexing of any territory as provided for hereinabove shall be carried out in a manner not inconsistent with the procedural rules prescribed by Article 970-A, Chapter 1, Title 28, of the Revised Civil Statutes of the State of Texas, as heretofore or hereafter amended, the same being the "Municipal Annexation."

(Ord. of 2-23-70, § 1; Char. Amend. of 5-6-89, § 9, Char. Amend. of 5-4-91, § 1)

Sec. 4. [Platting and filing map of added territory].

Any territory added as authorized by section 3 of this article shall be platted into blocks and lots and the same shall be so laid off as to conform to the streets and alleys abutting on the same insofar as may be, and a correct map thereof shall be filed with the City Secretary or other lawful custodian of the City Papers and also with the County Clerk of Washington County. In no case shall the City of Brenham be required to pay for any streets or alleys when such territory is added, platted and opened. Upon the platting and filing of such map, all streets and alleys indicated thereon shall become the property of the City of Brenham for use as public highways.

ARTICLE II.

[POWERS]

Sec. 1. [Statutory powers generally].

All the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of 1911, except as may hereafter be denied or limited, are hereby conferred upon the City of Brenham as fully and completely

as if such powers were herein separately enumerated.

State Law References: Powers of city under home rule, V.T.C.S. Title 28, Ch. 13.

Sec. 2. [Statutory powers as to Charter].

All the powers mentioned in and under section 4 of the Act of the Thirty-Third Legislature of the State of Texas, pages 310 to 316 entitled: "AN ACT AUTHORIZING CITIES HAVING MORE THAN FIVE THOUSAND INHABITANTS BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF SAID CITY AT AN ELECTION HELD FOR THAT PURPOSE TO ADOPT AND AMEND THEIR CHARTERS," etc., and Chapter 17, Articles 1096a to 1096i, both inclusive, Title 22, Vernon-Sayles Texas Civil Statutes 1914, are hereby conferred upon the City of Brenham as fully and completely as if each of said mentioned powers were herein separately enumerated.

If in any instance there should arise or be a conflict as to the powers mentioned in and conferred by sections 1 and 2 hereof the in such instance, the power or powers mentioned in and conferred by section 2 hereof shall control.

Sec. 3. [Opening, etc., streets].

Said City shall have the power to open, extend, straighten and widen any public street, avenue or alley and for such purpose to acquire the necessary land, by purchase or condemnation.

Sec. 4. [Dominion, control and jurisdiction over streets, avenues, alleys and highways; sidewalk construction].

The City of Brenham shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City and to provide for the improvement thereof by paving, raising, grading, draining or otherwise, and to charge the cost of making such improvements against the abutting property, by fixing a lien against the same and a personal charge against the owner thereof, according to an assessment specially levied therefor; provided that in no event shall more than one-third (1/3) of the cost of such improvement be charged to the owner and made a lien against said abutting property; it being further provided that all street railways, steam railways and other railways shall pay the entire cost of improving said streets, avenues, alleys and highways between the rails and tracks of any such railway companies, and for a distance of two (2) feet on each side thereof.

Said city shall have the power to provide for the construction and building of sidewalks, and to charge the entire cost of the construction of said sidewalks, including the curb, against the owner of the abutting property and to make a special charge against the owner for such cost, and to provide by special assessments, a lien against such property for such cost.

Said City shall have the power to provide for the construction, improvement or repair of any such sidewalk, or the construction of any such curb, by penal ordinance, and to declare defective sidewalks to be a public nuisance.

(Char. Amend. of 5-4-91, § 1)

Sec. 5. [Control over parks and playgrounds].

Said City shall have exclusive control over all City parks, and playgrounds and to control, regulate and remove all obstructions and prevent all encroachments thereupon; and to provide for raising, grading, filling, terracing, landscape gardening, temporary leasing thereof, erecting buildings, providing amusements therein, for establishing walks and paving drive-ways around, in and through said parks, playgrounds and other public grounds.

Sec. 6. [Enumeration of specific powers].

Said City shall have the power:

To define all nuisances, prohibit the same within the City and within the City's extraterritorial jurisdiction.

To police all parks, grounds, speed-ways, streets, avenues and alleys owned by said City, within or without the City limits.

To prohibit the pollution of all sources of water supply of said City, and to provide for the protection of water sheds.

To provide for the inspection of dairies, cows and dairy herds, slaughter pens and slaughter houses and abattoirs, within or without the City limits, from which meat, milk, butter, or eggs from same are furnished to the inhabitants of said City, and to provide for the inspection of meat markets, grocery stores, drug stores, confectioneries, fruit stands, ice cream factories, laundries, bottling plants, hotels, restaurants and bakeries; the source, storage and distribution of water, and all other places where food or drinks for human consumption are manufactured, handled, sold or exposed for sale, and to regulate and inspect the character and standard of such articles of food and drink so sold or offered for sale.

To provide for the inspection and regulation of the sanitary condition of all premises and vacant lots within the City limits; for the removal of garbage, night soil, refuse and unsanitary vegetation; to provide for establishing a lien against the property for any expenses incurred by the City in enforcing this provision and further to provide for the making and enforcing of all proper and reasonable regulations, for the health and sanitation of said City and its inhabitants.

To require property owners, their agents and lessees to remove, within a reasonable time, ice, slush and other debris from sidewalks fronting on property owned, occupied or controlled by such owners, agents or lessees and to require such owners, agents or lessees to remove all low hanging limbs from trees adjacent to sidewalks in said City.

To prohibit the driving of herds of horses, mules, cattle, hogs, sheep, goats and all herds of domestic animals, along or upon the streets, avenues or alleys of said City.

To establish and regulate public pounds and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, pigeons, ducks and all other domesticated animals and fowls and to authorize the restraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when

they cannot be sold and to impose penalties upon the owner thereof for the violation of any ordinance regulating or prohibiting the same, and to tax, regulate, restrain and prohibit the running at large of dogs and to authorize their destruction and impose penalties on the owners or keepers thereof.

To prohibit the inhumane treatment of animals and provide punishment therefor.

To prohibit and restrain the flying of kites, firing fire-arms, fire-crackers, rolling of hoops and the use of velocipedes, bicycles and skates, or the use and practice of any amusements on the streets or sidewalks to the annoyance of pedestrians or persons using such streets or sidewalks, and to restrain, regulate and prohibit the ringing of bells, or blowing of horns, bugles and whistles, crying of goods and all other noises, practices and performances tending to the collection of persons in the streets or tending, unnecessarily, to interfere with the peace and quietude of the inhabitants of the said City; and to suppress and regulate all unnecessary noises.

To license, tax and regulate or suppress and prevent hawkers, peddlers and pawnbrokers.

To regulate the operation of railway trains and street cars operated on, along or across the streets, avenues or alleys of said City; to license and control the operation of automobiles, motorcycles, taxicabs, buses, cabs and carriages, and all character of vehicles using the public streets, and to regulate the use and occupancy of the streets by any such vehicles.

To provide for the regulation and control of plumbers and plumbing works and to secure efficiency in the same.

To provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters and require conformity to such standards and provide penalties for failure to use or conform to the same, and to provide for inspection fees.

To provide for the issuance of permits for erecting all buildings; for the inspection of the construction of all buildings in respect to proper wiring for electric lights and other electric appliances; piping for gas; flues, chimneys, plumbing and sewer connections, and to enforce proper regulations in regard thereto.

To provide for establishing and maintaining a public library.

To enact and enforce all ordinances and resolutions, necessary to regulate the safety of all office buildings, hotels, apartment houses, rooming houses, hospitals, theatres, store buildings and all public buildings.

To require the construction of fire escapes in connection with public buildings, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided on public buildings of every kind and character.

To restrain and punish vagrants, mendicants, beggars and prostitutes; to regulate, control or prohibit the sale, gift, barter or exchange of cocaine, opium, morphine and the salts thereof.

To prohibit and punish keepers and inmates of bawdy, assignation and disorderly houses, and to prevent and suppress such bawdy, assignation and disorderly houses, and to punish such keepers, inmates and owners, or agents of such owners of such houses, knowingly permitting such houses to be occupied as such bawdy, assignation or disorderly houses and to determine such inmates and keepers to be vagrants.

To require waterworks corporations, gas companies, street car companies, telephone companies, electric light and power companies or other companies or individuals, exercising franchises, now or hereafter, from the City, to make and furnish extensions of their service to such territory as may reasonably be required.

To provide for the enforcement of all ordinances enacted by the City provided that no ordinance shall provide a greater penalty than is prescribed for a like offense by the laws of the State.

To provide for the commutation of fines imposed, by labor in a workhouse, on the public streets and public ways of the City; and for the collection of any fine imposed, execution may be enforced, as executions issued in civil cases.

To establish, maintain and regulate the City prison, workhouses and other means of punishment for vagrants, City convicts and disorderly persons, and such hospitals, orphanages and charitable institutions as may be deemed expedient by the governing authority.

(Char. Amend. of 5-6-91, § 1; Char. Amend. of 5-1-93, § 1)

State Law References: Extraterritorial jurisdiction, V.T.C.S. art. 970a.

Sec. 7. Ownership of public utilities.

Said City shall have the power to buy, own, construct, and to maintain and operate, within or without the City limits the following public utilities: water systems, gas systems, electric systems, telephone, radio or television systems, street railways, sewer systems, sewage plants, fertilizing plants, municipal bus or railway terminals, or garbage systems, and to demand and receive compensation for service furnished by the City for private purposes and otherwise, and to have the power to regulate, by ordinance, the collection of compensation for such service. That said City shall have the power to acquire by lease, purchase or condemnation, the property of any person, firm or corporation, now or hereafter conducting any such business, for the purpose of distributing such service throughout the City, or any portion thereof; provided the City shall never purchase or sell any such public utility without first submitting the same to a vote of a qualified voters of the City and further provided that no vote shall be required where the City leases the operation of a public utility to a private party.

(Char. Amend. of 5-4-91, § 1)

Sec. 8. [Manufacture of electricity, gas, etc.; purchase and sale of gas, water, electricity, etc.].

Said City shall have the authority to manufacture its own electricity, gas or anything else that may be needed or used by it or the public; to make contracts with any person, firm or corporation for the purchase of gas, water, electricity or any other commodity or articles used by it or the public, and to sell same to the public as may be determined by the governing authority.

Sec. 9. [Operation and maintenance of public utility].

In the event said City shall acquire by purchase, gift, devise, deed, condemnation or otherwise, any water-works system, electric-light or power system, gas system, street-railway system, telephone system, sewer systems, garbage collection or any other public service utility to operate and maintain for the purpose of serving the inhabitants of said City, the right to operate and maintain such public service utility so acquired shall be exclusive as Council may provide by ordinance.

(Char. Amend. of 5-1-93, § 1)

Sec. 10. [Powers of local self government].

It is contemplated and intended by the adoption of this Charter to confer, and is hereby conferred, upon the City of Brenham, the full power of local self government and the enumeration of and reference to the powers hereinabove made, or that hereinafter may be made, shall never be construed to preclude, by implication or otherwise, the said City of Brenham from exercising any and all powers incident to the full enjoyment of local self government provided that such powers shall not be inhabited by the Constitution of the State of Texas.

Sec. 11A. Board of City Development--[Establishing; purposes; etc.].

The City Council shall appoint what shall be known and designated as a Board of City Development, which may be composed of five (5) members, and shall serve without compensation, and may prescribe the qualifications and duties of such board, which board shall be devoted to the growth, advertisement, development, improvement and increase of the taxable values of such City. In the event the City Council does not appoint members to the Board of City Development, the City Council shall act to carry forth the objectives and purposes of the Board of City Development. There may annually be appropriated by the City Council up to one mill on the dollar (\$1.00) valuation on the taxable property in the City of Brenham from the general fund of said City to support the work of such board.

(Ord. of 2-23-70, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 11B. [Same]--Membership; term; vacancies; appointment.

The members of the aforesaid board shall hold office for a period of three (3) years; all of said members to hold said office until their successors have been qualified. In case of a vacancy on the board by resignation or otherwise the City Council shall fill said vacancy by appointment.

(Ord. of 2-23-70, § 1; Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-1-93, § 1)

Sec. 11C. [Same]--Appropriation for board.

The appropriation for support of said Board of City Development may be paid to said board each month in payments of one-twelfth (1/12) as nearly as practicable.

(Ord. of 2-23-70, § 1)

ARTICLE III.

THE CITY COUNCIL

Sec. 1. Appointive offices.

All officers and employees of the City except City Council shall be appointive, be employed at-will, and subject to employment contract or personnel policies as Council may provide for each office.
(Char. Amend. of 4-6-85, § 1; Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-6-95, § 1)

Sec. 2. [Powers generally].

All legislative powers of the City shall be vested, subject to the terms of this Charter and the Constitution of the State of Texas, in the City Council; and no Councilmember shall exercise any administrative powers or be the head of any department.

(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-1-93, § 1)

Sec. 3. [Appointment of City Manager].

The City Council shall appoint a chief administrative officer to be known as the "City Manager," with duties and powers hereinafter provided.

(Char. Amend. of 5-6-89, § 9)

Sec. 4. Terms of office.

The Mayor and other councilmembers shall serve for successive terms of office until their successors have been elected and duly qualified. The Mayor shall serve for two (2) years until the first election after adoption of this amendment and, thereafter, shall serve for a term of three (3) years. Councilmembers shall serve for two (2) years, and, thereafter, Councilmembers for Ward 1, Ward 2, Ward 4, and At-Large Position 5 shall qualify for a term of office of three (3) years upon their first election following the adoption of this amendment and Councilmembers for Ward 3 and At-Large Position 6 shall qualify for a term of office of three (3) years upon their second election following the adoption of this amendment.

(Char. Amend. of 4-6-85; Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-6-95, § 1)

Sec. 5. [Appointment of Councilmembers to fill vacancies.]

Vacancies in the City Council shall be filled by appointment by the remaining Councilmembers until the next regular City election. If the unexpired term of the vacant Council position extends beyond the next regular City election, such unexpired term shall be filled at that time by election of the voters of the City, and candidates may file for the unexpired term. Appointed Councilmembers shall have the same qualifications as an elected Councilmember.

(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-4-91, § 1)

Sec. 6. [Qualifications to hold office of Mayor, Councilmembers and other officers and employees; conflict of interests].

The Mayor and each Councilmember shall be resident citizens of the City of Brenham, have the qualifications of electors therein, be of a minimum age of twenty-one (21) when elected, and shall have been resident citizens of the City of Brenham and any ward they may represent for a period of twelve (12) months immediately preceding such election. The Mayor, Councilmembers and other officers and employees shall not

be indebted to the City, and shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality, or interested in the sale to the City of any supplies, equipment, material, or articles purchased. Any officer or employee of the City who shall cease to possess any of the qualifications herein required shall forthwith and ipso facto forfeit his office, and any such contract in which any officer or employee is or may become interested may be declared void by the City Council.
(Char. Amend. of 5-6-89, §§ 4, 9)

Sec. 7. Elective positions.

The elective officers of the City shall consist of the seven (7) Councilmembers as follows: The Mayor and the two (2) other Councilmembers elected from the City at large (these two (2) other Councilmembers' positions being designated as Councilmember, Place Five-at-Large, and Councilmember, Place Six-at-Large); and a Councilmember elected from each of the four (4) wards of the city as hereinafter established (these Councilmembers to be designated as Councilmember, Place One-Ward One, Councilmember, Place Two-Ward Two, Councilmember, Place Three-Ward Three, and Councilmember, Place Four-Ward Four) each of whom shall be elected to the office for which he is a candidate by the qualified voters of that particular ward.
(Char. Amend. of 4-6-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 8. [Judges of its own election and qualification].

The City Council shall be judges of the election and qualification of its members.
(Char. Amend. of 5-6-89, § 9)

Sec. 9. [Canvassing returns and declaring results of election].

The City Council shall, within ten (10) days after each regular and special election, or as soon thereafter as practicable, canvass the returns and declare the result of such election.
(Char. Amend. of 5-6-89, § 9)

Sec. 10. [Regular election days].

The regular municipal elections of the City of Brenham shall be held on the first Saturday in May every year.
(Char. Amend. of 5-6-89, § 2)

Sec. 10A. Runoff elections.

In the event any candidate for the Council (including the Mayor) fails to receive a majority of all votes cast for his particular office, at any regular or special election, the Mayor or, if he fails to do so, the Council shall on the first day following the completion of the official count of ballots cast the first election order a runoff election to be held within thirty (30) days following the preceding election, at which election the two (2) candidates receiving the highest number of votes cast for such particular office in the first election at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office shall be voted on again, and the candidate who receives the majority of the votes cast for the particular office in the runoff election shall be elected to such office and shall take office as soon thereafter as he is qualified. In runoffs for the office of Mayor or Councilmembers elected at large, the registered voters of the city

as a whole shall vote. In runoffs of Councilmembers for single wards, being any of the Councilmembers from Ward One, Ward Two, Ward Three or Ward Four, only those registered voters in the particular ward shall vote in the runoff election for that particular position.

(Char. Amend. of 4-6-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 11. [Special elections; state election laws control elections].

All elections provided for in this Charter, except the regular election held on the first Saturday in May of every year, shall be called special elections, and all elections shall be conducted and results canvassed and announced by the election authorities as prescribed by the general election laws of the State of Texas relating to cities and towns, and said general election laws shall control in all municipal elections, except as otherwise herein provided.

(Char. Amend. of 5-6-89, § 5)

Sec. 12. [General powers and duties of Mayor; Mayor pro tempore].

The Mayor of the City shall be the presiding officer of the City Council. He shall vote as a member of the City Council on all matters coming before the body; sign all bonds, warrants and other official documents; be the official head of the City, and exercise all powers and perform all duties imposed upon him by this Charter and by the ordinances of the City, and resolutions of the City Council.

The City Council shall elect one of their number as Mayor pro tempore, who in the absence or inability of the Mayor to act, may exercise all the powers and authority appertaining to the office of Mayor.

(Char. Amend. of 5-6-89, § 9)

Sec. 13. [Organizational meeting; holding other meetings].

Within fourteen (14) days after the election of the Councilmembers, the City shall meet in the Council Chamber of the City Hall, at which time the Councilmembers shall qualify and assume the duties of their offices. Thereafter the Councilmembers shall meet at such time as prescribed by ordinance or resolution, but they shall meet at least once each month.

(Char. Amend. of 5-6-89, §§ 3, 9)

Sec. 14. Salaries.

The Mayor shall receive a salary of two hundred seventy-five dollars (\$275.00) per month and each Councilmember shall receive a salary of two hundred twenty-five dollars (\$225.00) per month.

(Ord. of 2-23-70, § 1; Char. Amend. of 4-6-85, § 1; Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-1-93, § 1)

Sec. 15. [Calling special meetings; determining rules and order of business; journal; quorum; voting on measures].

The Mayor or any three (3) Councilmembers may call special meetings of the City Council at any time deemed advisable. The City Council shall determine its own rules and order of business, and shall keep a journal of the proceedings in a permanently bound book and any citizen shall have access to the minutes and record thereof at all reasonable times. Any four (4) members of the City Council shall constitute a quorum for

the transaction of any business, and the affirmative vote of the four (4) members of the City Council shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The vote upon the passage or repeal of any ordinance or resolution shall be taken by "yea" or "nay" vote, and entered upon the journal. All members of the City Council present at the meeting shall vote upon every question, ordinance or resolution which shall be entered upon the journal. Any Councilmember refusing to vote shall be entered on the journal as voting in the affirmative.

(Char. Amend. of 5-6-89, §§ 9, 11)

Sec. 16. [Signing, attesting and sealing ordinances and resolutions].

Every ordinance or resolution passed by the City Council shall be signed by the Mayor, and attested by the person acting as City Secretary and the seal of the City impressed thereon within ten (10) days after its passage.

(Char. Amend. of 5-6-89, § 9)

Sec. 17. [Introduction and passage of ordinances and resolutions].

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No ordinance, unless it shall be declared to be an emergency measure, and passed by a unanimous vote to the City Council, shall be passed on the day on which it shall be introduced. All ordinances, save and except emergency ordinances, shall be finally passed on the second reading. Ordinances not required to be published shall take effect and be in force from and after the passage thereof, unless otherwise provided.

(Char. Amend. of 5-6-89, § 9)

Sec. 18. [Emergency measures].

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money and ordinances for the payment of salaries and wages may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege or regulating the rate to be charged for its services by any utility, shall ever be passed as an emergency measure.

(Char. Amend. of 5-1-93, § 1)

Sec. 19. [Publication of penal ordinances].

Every ordinance imposing any penalty, fine, imprisonment or forfeiture shall, after the passage thereof, be published in some newspaper published in the City of Brenham. The City Secretary may abbreviate the text of any ordinance, including traffic control ordinances, for publication. No such ordinance shall become effective until ten (10) days after the date of its publication, provided that emergency measures shall take effect according to their terms.

(Char. Amend. of 5-1-93, § 1)

Sec. 20. [Style of ordinances].

The style of all ordinances of the City of Brenham shall be: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM," but the same may be omitted when published in book or pamphlet form.

(Char. Amend. of 5-6-89, § 9)

Sec. 21. [Recording and authenticating documents.]

The City Council shall appoint a City Secretary who shall be responsible for the original documentation of all laws, notices, minutes, resolutions, ordinances, and related official records of the governing body; all deeds, easements, leases, titles and related documents of ownership of City property, and the municipal charter and seal. Every ordinance or resolution, upon its becoming effective, shall be kept in the permanent files of the City and shall be authenticated by the signature of the Mayor and the City Secretary, or in their absence, the person exercising their duties as appointed by the City Council.

(Char. Amend. of 5-4-91, § 1; Char. Amend. of 5-1-93, § 1)

Sec. 22. [Revising, digesting and publishing of ordinances].

The first City Council elected under this Charter shall, as soon as practicable, provide for revising, digesting and publishing all City ordinances. A like revision, digest and publication of such ordinances may be made at such times thereafter as the City Council may ordain.

(Char. Amend. of 5-6-89, § 9)

Sec. 23. [Administrative offices and departments].

The City Council shall create and consolidate such appointive offices and may divide the administration of the City's affairs into such departments as they may deem advisable and may discontinue any such appointive office or department at their discretion, except office of City Manager.

(Char. Amend. of 5-6-89, § 9)

Sec. 24. Forfeiture and removal from office.

Any Councilmember who is convicted of a felony shall forfeit his office. Any Councilmember who is absent from three (3) consecutive regularly scheduled Council meetings may be removed from office upon the affirmative vote of five (5) councilmembers.

(Char. Amend. of 5-6-95, § 1)

ARTICLE IV.

THE CITY MANAGER [; FINANCES]*

* **Cross References:** See also Art. VI, § 14 et seq. as to finances.

Sec. 1. [Appointment; position; qualifications; removal].

The City Council shall appoint a City Manager, who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments. He shall be chosen upon qualification and fitness for the exercise of his duties. He may or may not be a resident of the City of Brenham when appointed, but shall establish his residence within the City as directed by the City Council. The City Council may engage a City Manager by agreement for a term not to exceed one year; however, the City Manager shall be removable at any time, with or without cause, by City Council.
(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-1-93, § 2)

Sec. 2. [Duties generally].

The City Manager shall recommend all appointive officers or employees of the City, to the City Council, but all appointments shall be made by the Council and should those so recommended or any of them not be appointed by the Council, then the Council shall appoint without recommendation. The City Manager shall exercise control and supervision over all departments and offices that may be created by the City Council and all officers and employees appointed by it. He shall attend all meetings of the City Council with the right to take part in the discussion, but having no vote. He shall recommend in writing to the City Council such measures as he may deem necessary or expedient. He shall keep the City Council fully advised as to the financial condition and needs of the City, and perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the City Council.
(Char. Amend. of 5-6-89, § 9)

Sec. 3. [Preparing and submitting budget; recommendations on administrative matters].

The City Manager shall prepare and submit the annual budget on the basis of the estimates of the department. He shall make recommendations to the City Council on all matters concerning the administration of the City.
(Char. Amend. of 5-6-89, § 9)

Sec. 4. [Estimates for budget, publication; digest].

The budget shall be prepared by the City Manager on the basis of estimates of departments. These departmental estimates, showing the expenses of the department for the preceding year, and indicating wherein increases or diminutions are recommended for the ensuing year, shall be published one time in the official organ of the City of Brenham. The City Manager shall make up the budget and submit it to the City Council.
(Char. Amend. of 5-6-89, § 9)

Sec. 5. [Keeping of accounts and books].

The City's accounts shall be kept in such a manner as to show fully at all times the financial condition of the City, and the books shall at all times be open to the public for inspection.

Sec. 6. [Accounting procedure].

Accounting procedure shall be devised and maintained for the City, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of anything of value, including cash receipts, credit transactions and disbursements; and the recorded facts shall be presented periodically to officials

and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the City and in relation to each department of the City government, including distinct summaries and schedules for each public utility owned and operated.

Sec. 7. [Audit].

The City Council shall cause an audit of the books of account, and of all records and transactions of the administration of the affairs of the City; such audit shall be made annually embracing each fiscal year and shall be made by an accountant to be selected by the Council. The duty of the accountant shall include the certification of all statements required in section 6 herein; summaries of income and expenditures and also comparison, on proper classification, with the last previous audit; such summaries shall be filed with the City Secretary for public inspection within ten (10) days after the completion of such audit.
(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-1-93, § 1)

Sec. 8. [Fixing and determining salaries and wages].

The City Council shall fix and determine the salaries and wages of all appointive officers and employees of the City, unless otherwise provided in this Charter, and shall provide for the payment thereof.
(Char. Amend. of 5-6-89, § 9)

Sec. 9. [Issuance of checks for payroll and other claims.]

No check for the payment of payroll or of any claim shall be issued by the City unless such claims shall be evidenced by an itemized account, in accordance with approved City Budget including amendments, approved by the signature of the City Manager or his designee, and all checks shall be signed by any two of the following: Mayor, City Secretary, City Manager and the Chief financial officer.
(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-4-91, § 1)

Sec. 10. [Payroll].

The payroll of the City shall be approved by the City Manager or his designee before any checks are issued. Payroll shall be made in accordance with the annual City budget.
(Char. Amend. of 5-4-91, § 1)

ARTICLE V.

IMPROVEMENT BONDS

Sec. 1. [Purpose].

The City shall have the right and power to borrow money upon the credit of the City and to issue bonds of the City therefor, in such sum or sums as may be deemed expedient, for the purpose of improving the streets, purchasing or constructing sewers, erecting and maintaining public buildings of every kind and for purchasing or constructing waterworks and gas plants and systems and for the purpose of purchasing, erecting, maintaining and operating an electric light and power plant and such other public utilities as the governing authority may,

from time to time, deem expedient.
(Char. Amend. of 5-6-89, § 6)

Sec. 2. [Specifying purpose; sale; interest and sinking fund].

All bonds shall specify for what purpose they are issued, and shall be sold for cash. When any bonds are issued by the City a fund shall be provided to pay the interest on those bonds and create a sinking fund to redeem said bonds. Said fund shall not be diverted or drawn upon for any other purpose, and the custodian of the funds of the City shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided. The City shall have the power to invest said sinking funds in securities secured by the pledge of United States Bonds or Federal Agency Bonds, Texas State or County Bonds, or Bonds of the City of Brenham, or other municipality, or any school district.
(Char. Amend. of 5-6-89, § 9; Char. Amend. of 5-4-91, § 1)

Sec. 3. [Maximum period; signing; specifying places and times of payment; approval by state officials; issuance].

Said bonds shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary, and both principal and interest shall be payable at such places and times as may be fixed by the ordinance of the governing authority. All such bonds shall be submitted to the Attorney-General of the State for his approval and the Comptroller for resignation, as provided by the State law; provided, that any such bonds, after approved, may be issued by the City, either optional or serial, or otherwise, as may be deemed advisable by the governing authority.

Sec. 4. [Submitting to referendum].

Before the issuance of any bonds the same shall be submitted to a vote of the qualified property tax-paying voters of the City as required by the General Laws of the State.

ARTICLE VI.

TAXATION

Sec. 1. [Authority for annual levy generally].

Until otherwise provided by ordinance adopted in the manner provided in section 2 hereof, the City Council shall have the power and is hereby authorized, annually, to levy and collect taxes on the assessed valuation of all real estate, personal and mixed property within the City limits, not exempt from taxation by the Constitution and laws of this State, not exceeding one and sixty-five one hundredths dollars (\$1.65) on the one hundred dollar (\$100.00) valuation for any one year for all purposes.
(Char. Amend. of 5-6-89, § 9)

Sec. 2. [Ordinance raising tax rate; election].

The City Council shall have the power and is hereby authorized at any time to propose an ordinance for the levy and collection of taxes on the assessed valuation of all property within the corporate limits of the City

not exempt from taxation by the Constitution and laws of this State at a greater rate on the one hundred dollar (\$100.00) valuation than that provided in section 1 hereof not to exceed the rate allowed by the Constitution and laws of this State, which proposed ordinance shall be submitted to a vote of the qualified property tax-paying voters of the City for adoption or rejection.

If any election is to be held at a date not more than thirty (30) days nor less than ten (10) days after such ordinance has been proposed, such proposed ordinance shall be submitted by the Council to a vote of the qualified property tax-paying electors at such election, but if no such election is to be held within such time, then the Council shall provide for submitting such proposed ordinance for adoption or rejection to such electors at a special election to be held not less than twenty (20) nor more than forty (40) days thereafter. The form of ballot for use in an election held for adoption of such proposed ordinance shall state the title of the ordinance and contain a succinct statement of its nature and purpose and below such statement on separate lines there shall be printed the words:

FOR THE ORDINANCE

AGAINST THE ORDINANCE

If a majority of such electors voting in such election shall vote in favor thereof it shall thereupon become an ordinance of the City.
(Char. Amend. of 5-6-89, § 9)

Secs. 3, 4. [Reserved].

Editors Note: Sections 3 and 4 of Art. VI of the city's Charter, pertaining to poll taxes and street duty taxes, were repealed by §§ 7 and 8 of the Charter amendment of May 6, 1989.

Sec. 5. [Occupation tax].

The City shall have the power to levy and collect occupation taxes consonant with the Constitution and laws of the State of Texas, and shall authorize the granting and issuance of licenses and shall direct the manner of issuing and registering the same and fix the fees thereafter, but no license shall be issued for a longer period than one year and shall not be assignable except by permission of the governing authority of the City.

Sec. 6. [Franchise tax; corporation tax].

The City shall have the power, annually, to levy and collect a franchise tax against any corporation using and occupying the public streets or grounds of the City, separately from the tangible property of such corporation, and to levy and collect, annually, upon the property and shares of corporations, companies and corporate institutions, as the same are now or may be assessed by the State laws and shall have full power to enforce the collection of such taxes.

Sec. 7. [Tax lists, inventories, appraisements, rendition].

The City shall have the power to regulate the manner and mode of making out tax lists, inventories and appraisements of property therein, and to prescribe the oath that shall be administered to each person rendering property for taxation and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and to adopt such measures as may be deemed advisable to secure the

assessment of all property within the City limits and to collect taxes thereon and may provide a fine upon all persons failing, neglecting or refusing to render their property for taxation, and to do any and all things necessary or proper to render effectual the collection of moneys for taxation.

Sec. 8. [Rendition, etc., as to omitted property].

The City shall have the power to provide for the rendition of unrendered property for taxation, and levy and assess taxes thereon annually, and to provide for the rendition, levy and assessment of taxes for previous years on the property omitted from taxation in the manner provided by State law of this State.

Sec. 9. [Property subject to taxation; lien generally].

All real, personal or mixed property held, owned or situated in the City of Brenham shall be liable for all municipal taxes, due by the owner thereof, including taxes on real estate, franchises, personal and mixed property taxes, and all other municipal taxes of whatsoever character, provided that no delinquent poll tax shall ever be a lien against real estate. Such municipal taxes are hereby declared to be a lien, charge and encumbrance upon the property so that taxes and special assessments shall be a prior lien to all other claims, sales, assignments, transfers, gifts and judicial writs. Said lien shall exist from the first day of January of each year until all such taxes have been paid; and such lien against any real estate which, for any cause, has failed to be assessed for one or more years shall be good and effective for every year for which assessment has so failed.

Sec. 10. [Liability of personal property].

Personal property of all persons, firms or corporations owing any taxes to the City of Brenham is hereby made liable for all such taxes and subject to seizure and sale, whether the same be upon personal or real property or upon both.

Sec. 11. [Time of levying].

The governing authority of the City, at its first meeting in September of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this Charter may be levied, assessed and collected at such times as the governing authority may provide; provided, that should the governing authority fail or neglect to levy the annual tax herein provided for any one year the annual tax levy for the preceding year last made by said governing authority shall and will be considered in force and effect as the tax levy for the year for which no annual tax was made.

(Char. Amend. of 5-1-93, § 1)

Sec. 12. [Providing for collection].

The City shall have full power to provide for the prompt collection, by suit or otherwise, of taxes assessed, levied and imposed, and is hereby authorized, and to that end shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall make such rules and regulations and enact all such ordinances as are deemed necessary for the collection of any taxes provided in this Charter.

Sec. 13. [City not required to give bond; payments to city to be in legal currency].

It shall not be necessary in any action, suit or proceeding, in which the City shall be a party, for any bond, undertaking, or security to be executed in behalf of the City. Nothing of value nor anything save money current of the United States shall be received in payment of taxes, fines, forfeitures, penalties and debts due and owing to said City.

Sec. 14. [Control of finances].

The City Council shall have the power to control and manage the finances of the City, to provide its fiscal year arrangements.
(Char. Amend. of 5-6-89, § 9)

Sec. 15. [Disposition of tax money collected].

All moneys arising from the collection of taxes by the City shall be divided into such funds and be designated as such funds as the Council may deem proper.
(Char. Amend. of 5-6-89, § 9)

Sec. 16. [Effect of irregularities in assessment rolls].

No irregularities in the time or manner of making or returning the City assessment rolls or the approval of such rolls shall invalidate any assessment.

Secs. 17--19. Reserved.

Editors Note: Sections 17--19, containing provisions relative to the creation, appointment and duties of the board of equalization and regarding appeal of valuation, abstract of real property and valuation records, and which derived from § 9 of a Charter amendment passed May 6, 1989, were repealed by a Charter amendment of May 1, 1993.

Sec. 20. [Sale and use tax increase].

The sales and use tax [is hereby increased] within the City for the development and operation of park facilities and the promotion and development of new and expanded business enterprises at the rate of three-eighths of one percent under the Development Corporation Act, section 4B. The [increase in the] sales and use tax within the City at a rate of one-eighth of one percent [will] be used to reduce the property tax rate.
(Char. Amend. of 5-6-95, § 1)

ARTICLE VII.

MISCELLANEOUS PROVISIONS

Sec. 1. [Continuation in effect of existing ordinances, regulations and resolutions--Generally].

All ordinances, regulations or resolutions now in the City of Brenham and not in conflict with this Charter shall remain in full force under this Charter until altered, modified or repealed by the City Council of the City of Brenham, herein provided for.
(Char. Amend. of 5-6-89, § 9)

Sec. 2. [Same--Penal ordinances].

All penal ordinances of the present City of Brenham now in force and effect shall remain in full force and effect until repealed by the City Council of the City of Brenham.
(Char. Amend. of 5-6-89, § 9)

Sec. 3. [Debts, etc., prior to Charter].

The City of Brenham as herein established hereby assumes all outstanding indebtedness against said City as at present constituted and shall be possessed of and assume all property, right, interests, contracts, debts, franchises, choses in action, equities, taxes and all claims owing to the present City of Brenham.

Sec. 4. [Amending Charter].

This Charter, after adoption, may be amended in accordance with the provisions of an Act of the Thirty-Third Legislature of the State of Texas, entitled, "AN ACT AUTHORIZING CITIES HAVING MORE THAN FIVE THOUSAND INHABITANTS, BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF SAID CITY, AT AN ELECTION HELD FOR THAT PURPOSE, TO ADOPT AND AMEND THEIR CHARTERS", etc., approved April 7, 1913, and any acts amendatory thereto.

Sec. 5. [Severability of Charter provisions].

Should any provision or portion of this Charter be declared unconstitutional by the courts of this State, the remainder thereof shall be unimpaired by such holding and shall be in full force and effect until amended or repealed, as herein provided.

Sec. 6. Wards--Described.

The City of Brenham, Texas, shall and is hereby divided into four (4) wards and boundaries established and described as follows:

First Ward: All that territory within the corporate limits of the City of Brenham lying west of F.M. 2935 to intersection with Horton Street; north of Horton from F.M. 2935 to intersection with North Park Street; west of North Park Street from Horton Street to intersection with West Academy Street; north of West Academy Street from North Park Street to intersection with Rippetoe Street; east of Rippetoe Street from West Academy Street to line even with Pleasant View Avenue; north of line even with Pleasant View Avenue to intersection with Burleson Street; east of Burleson Street from Pleasant View Avenue to intersection with Floral Street; north of Floral Street from Burleson Street to intersection with Rivers Street; east of Rivers Street from Floral Street to intersection with Matchett Street; north of Matchett Street from Rivers Street to intersection with Hillside Drive; west of Hillside Drive from Matchett Street to intersection with Hillside Drive South; west of Hillside Drive South from Hillside Drive to intersection with Jefferson Street; south of Jefferson Street from Hillside Drive South to intersection with Baber Street; East of Baber Street from Jefferson Street to intersection with Jefferson Street; south of Jefferson Street from Baber Street to intersection with North Austin Street; west of North Austin Street from Jefferson Street to intersection with Vulcan Street; south of Vulcan Street from North Austin Street to intersection with North Baylor Street; west of North Baylor Street from Vulcan

Street to intersection with East Alamo Street; south of East Alamo Street from South Baylor Street to intersection with Market Street; west of Market Street from East Alamo Street to intersection with Germania Street; north of Germania Street from Market Street to intersection with Austin Street; east of Austin Street from Germania Street to intersection with Third Street; north of Third Street from Austin Street to intersection with Key Street; east of Key Street from Third Street to intersection with Southern Pacific Railroad tracks, running east and west; north of Southern Pacific Railroad tracks, running east and west from Key Street to city limit line.

Second Ward: All that territory within the corporate limits of the City of Brenham lying east of F.M. 2935 from the corporate limits to intersection with Horton Street; south of Horton Street from F.M. 2935 to intersection with North Park Street; east of North Park Street from Horton Street to intersection with West Academy Street; south of West Academy Street from North Park Street to intersection with Rippetoe Street; west of Rippetoe Street from West Academy Street to line even with Pleasant View Avenue; south of line even with Pleasant View Avenue to intersection with Burleson Street; west of Burleson Street from Pleasant View Avenue to intersection with Floral Street; south of Floral Street from Burleson Street to intersection with Rivers Street; west of Rivers Street from Floral Street to intersection with Matchett Street; south of Matchett Street from Rivers Street to intersection with Hillside Drive; east of Hillside Drive from Matchett Street to intersection with Hillside Drive South; east of Hillside Drive South from Hillside Drive to intersection with Jefferson Street; north of Jefferson Street from Hillside Drive South to intersection with Baber Street; west of Baber Street from Jefferson Street to intersection with Jefferson Street; north of Jefferson Street from Baber Street to intersection with North Austin Street; east of North Austin Street from Jefferson Street to intersection with Vulcan Street; north of Vulcan Street from North Austin Street to intersection with North Baylor Street; east of North Baylor Street from Vulcan Street to intersection with East Alamo Street; north of East Alamo Street from South Baylor Street to intersection with Market Street; east of Market Street from East Alamo Street to intersection with Southern Pacific Railroad tracks, running east and west; north of Southern Pacific Railroad tracks running east and west, to city limit line.

Third Ward: All that territory within the corporate limits of the City of Brenham, lying east of State Highway 36 and South Day Street from city limit line to intersection with Bryan Street; south of Bryan Street from South Day Street to intersection with Baylor Street; east of Baylor Street from Bryan Street to intersection with Lubbock Street; south of Lubbock Street from Baylor Street to intersection with Market Street; east of Market Street from Lubbock Street to intersection with Southern Pacific Railroad tracks, running east and west; south of Southern Pacific Railroad tracks, running east and west, to city limit line. (Also included is area south from Highway 290 Loop South on Highway 36 to the Brenham State School and including the boundaries of the state school that are within the city limits of the City of Brenham.)

Fourth Ward: All that territory within the corporate limits of the City of Brenham lying west of South Day Street from its intersection with Highway 290 Loop, being the corporate limit at that point, to intersection with Bryan Street; north of Bryan Street from South Day Street to intersection with Baylor Street; west of Baylor Street from Bryan Street to intersection with Lubbock Street; north of Lubbock Street from Baylor Street to intersection with Market Street; west of Market Street from Lubbock Street to intersection with Germania Street; south of Germania Street from Market Street to intersection with Austin Street; west of Austin Street from Germania Street to

intersection with Third Street; south of Third Street from Austin Street to intersection with Key Street; west of Key Street from Third Street to intersection with Southern Pacific Railroad tracks, running east and west, south of Southern Pacific Railroad tracks, running east and west, from Key Street to city limit line.

(Ord. of 2-21-85, § 1)

Sec. 7. [Same--Purpose].

The City is divided and established into wards for the purpose of securing a more equal distribution of representation on the City Council by the people of the whole City. Newly annexed territory shall be added to the adjacent Ward as City Council may provide. No person shall be a candidate for Councilmember from any ward of the City unless he shall have been, for twelve (12) months preceding the date of the election at which he is a candidate, a resident of the ward represented by the office to which he aspires, and must possess the other qualifications as prescribed in this Charter; provided, however, that the qualifications as to residence in any one ward shall not apply to the Mayor or at-large Councilmembers. Any candidate, Mayor or Councilmember who during his candidacy or term of office moves his place of residence from the city or the ward in which he represents ipso facto forfeits his right to such office.

(Char. Amend. of 5-6-89, §§ 9, 12; Char. Amend. of 5-6-95, § 1)

Sec. 8. [Voting places].

The City Council shall establish and arrange such voting places in the City as may be deemed necessary, so located as to be most convenient to the voters, and at which all elections, general or special, shall be held.

(Char. Amend. of 5-6-89, § 9)

Sec. 9. [Official bonds].

The person exercising the duties of the City Tax Collector shall give an official bond in such sum as may be prescribed by the City Councilmembers from time to time; such bond shall be payable to the City of Brenham and shall, in each instance, be conditioned for the faithful discharge of the duties of such officer, and for the faithful accounting of all moneys, claims and things of value coming into the hands of such officer. Such bond shall be procured from some regular accredited surety company authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Brenham, provided that the City Council may by ordinance, require official bonds from any other appointive officers of the City in such amounts and conditioned as they may deem best for the efficiency of the public service. All official bonds shall be surety company bonds and shall be approved by the City Council and filed and recorded with the person exercising the duties of City Secretary.

(Char. Amend. of 5-6-89, § 9)

Sec. 10. [Official oaths].

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by the Constitution of the State of Texas for County officials.

Sec. 11. [Nepotism].

No person related within the second degree by affinity, or within the third degree by consanguinity, to the Mayor or to any of the Councilmembers, shall be appointed to any office, position, clerkship or service of the City.

(Char. Amend. of 5-6-89, § 9)

Sec. 12. [City property exempt from execution].

No public property or any other character of property owned or held by said City shall be subject to any execution of any kind or nature.

Sec. 13. [City not subject to garnishment proceedings].

No funds of said City shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceedings.

Sec. 14. [Liability to damage claims].

Before the City of Brenham shall be liable for damages of any kind, the person injured or someone in his behalf shall give the Mayor or City Councilmembers notice in writing of such injury within ninety (90) days after the same has been received, stating specifically in such notice when, where and how the injury occurred and the extent thereof. The City of Brenham shall never be liable on account of any damage or injury to person or property arising from or occasioned by any defect in any public street, highway or grounds, or any public work of the City unless the specified defect causing damage or injury shall have been actually known to the Mayor or some other member of the City Council by personal inspection for a period of at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the Mayor or [or] a member of the City Council shall have been called thereto by notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage, nor further unless in either case proper diligence has not been used to rectify the defect after it is actually known by or called to the attention of the Mayor or a member of the City Council, as aforesaid.

(Char. Amend. of 5-6-89, §§ 9, 10)

Sec. 15. [City depository; City Treasurer].

The City Council shall designate a bank in the City of Brenham as the City depository, which shall be selected for a period of two (2) years, and the bank in the City of Brenham which shall bid the highest rate of interest on the average daily balance shall be selected. The City depository herein provided for shall appoint one of its officials who shall perform the duties of City Treasurer without pay. Said Treasurer shall give such bond as may be required by the City Council from time to time; and such bond shall be procured from some regularly accredited surety company, the premiums to be paid by the City of Brenham. The City Council shall have the right to reject any and all bids offered as City depository. In case the City Council should reject any and all bids offered and no other bids should be submitted, then in that event, the City Council shall designate some appointive officer of the City who shall perform the duties of City Treasurer without extra compensation.

(Char. Amend. of 5-6-89, § 9)

Sec. 16. [Public schools].

All laws in force pertaining to public free schools of the City of Brenham are hereby rendered in full force and effect and said schools shall be continued, managed and controlled as heretofore, and the Trustees of said public free schools shall be appointed according to the provisions of the above mentioned laws.

Means for the support and maintenance of the public free schools and for the purpose of procuring grounds and constructing and improving buildings for such public free schools shall be obtained according to the laws now in effect relating thereto.

Sec. 17. [Court].

The City Council shall establish and provide for a court for the trial of misdemeanor offenses, known as the "Corporation [Municipal] Court" with such powers and duties as are defined and prescribed in an Act of the Legislature of the State of Texas and any acts amendatory thereof, entitled, "AN ACT TO ESTABLISH AND CREATE IN EACH OF THE CITIES, TOWNS AND VILLAGES OF THIS STATE A COURT TO BE KNOWN AS THE CORPORATION COURT, IN EACH CITY, TOWN AND VILLAGE, AND TO PRESCRIBE THE JURISDICTION AND ORGANIZATION THEREOF AND TO ABOLISH MUNICIPAL COURTS," said Act being Title 22, Chapter 5, Articles 903 to 922 inclusive. Vernon-Sayles Texas Civil Statutes 1914.

The City Council shall provide for the qualifications and term of office of the Municipal Judge and any Associate Municipal Judge(s), and the Mayor may serve as a municipal judge in the absence or unavailability of the appointed Municipal Judge.

(Char. Amend. of 5-1-93, § 1)

Sec. 18. [Council investigations].

The City Council may investigate the financial transactions of any office or department of the City government, and the acts and conduct of any official or employee. In conducting such investigation, the City Council may compel the attendance of witnesses, the production of checks and papers, and other evidence and for that purpose may issue subpoenas or attachments which shall be signed by the Mayor, and which may be served and executed by any officer authorized by law to serve subpoenas or other process, or by any peace officer of the City. If any witness shall refuse to appear to testify to and facts within his knowledge, or to produce any papers or books in his possession, or under his control, relating to the matter under investigation before the City Council, the City Council shall have the power to cause the witness to be punished as for contempt, not exceeding a fine of one hundred dollars (\$100.00) and three days in the City prison. No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

(Char. Amend. of 5-6-89, § 9)

Sec. 19. Vote on proposed charter.

This Charter shall be submitted to the qualified voters of the City of Brenham, for adoption or rejection, on the 7th day of September, A.D. 1920, at which election if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter then it shall become the Charter of the City of Brenham, until amended or repealed. It being impracticable to submit this Charter by sections, it is hereby

prescribed that the form of ballot for use in such election shall be as follows, to-wit:

FOR THE ADOPTION OF THE CHARTER

AGAINST THE ADOPTION OF THE CHARTER

The present City Council of Brenham shall call such election and the same shall be conducted and returns made, and results declared as provided by the laws of the State of Texas governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of the Charter, then an official order shall be entered upon the records of said City, by the City Council of Brenham, declaring the same adopted, and the City Secretary shall record, at length, upon the records of the City, in a separate book to be kept in his office, for such purposes such Charter adopted, and such Secretary shall furnish to the Mayor a copy of such Charter so adopted, authenticated by his signature and the seal of the City, which copy of the Charter shall be forwarded by the Mayor of the City of Brenham to the Secretary of State, and shall show approval of such Charter by a majority vote of the qualified voters of the City of Brenham.

If such Charter shall be adopted, then it shall be the duty of the City Council, within ten (10) days after such election for the adoption of the Charter shall have been held, to call an election for the election of a Mayor and four (4) other Councilmembers, which election shall be ordered for the date provided by section 10 of Article III of this Charter, and to be held under the direction of the City Council, according to the laws of the State of Texas regulating municipal elections.

Within five (5) days after the election of all the City Councilmembers, they shall each take the oath of office and qualify as such Mayor and City Councilmembers and shall hold their respective offices until the first Tuesday in April, A.D. 1922, and until their successors are elected and qualified.

This the 26th day of July, A.D. 1920.
(Char. Amend. of 5-6-89, § 9)

Sec. 20A. Power of initiative.

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance not in conflict of this Charter or the Constitution or the Laws of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by the qualified voters of the City equal in number to at least twenty (20) percent of the qualified voters of the City.
(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20B. Power of referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter. Prior to the effective date of any ordinance or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by at least twenty (20) percent of the qualified voters of the City may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by

the voters as herein provided.
(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20C. Form of petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the Council, the full text of the ordinance sought to be referred shall be included in such petition papers. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall sign his name in ink or indelible pencil, and shall add to his signature his place of residence by street and number and the Serial Number that appears on his Poll Tax Receipt or Exemption Certificate or such other document as may be prescribed by the laws of the State of Texas to identify qualified voters under any future legislation. One of the signers of each separate petition shall make an affidavit that he, and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20D. Filing, examination and certification of petitions.

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall determine whether the same is signed by the requisite number of qualified voters. The City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 20C of this Article. In examining the petition the Secretary shall write the letters "DV" (declared void) in red ink opposite the names of signatures found not qualified to vote. After completing examination of the petition, the Secretary shall certify the result thereof to the Council at its next regular meeting, stating the number of the persons found on the petition who are qualified to vote and the number of persons found on the petition who [are] not qualified to vote. If the Certificate of the City Secretary shall show an initiative or referendum petition to be insufficient, the Secretary shall notify the persons filing the petition, and it may be amended within ten (10) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in original petition. Within ten (10) days after such amendment is filed, the Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient, the Secretary shall return the petition to the person filing the same, without prejudice to the filing of a new petition for the same purpose.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20E. Council, consideration and submission to voters.

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- (a) Pass initiated ordinance without amendment within sixty (60) days after the date of the certification to the Council; or
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held within ninety (90) days after the date of the certification to

the Council.

When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the Council by the City Secretary. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20F. Ballot form and results of election.

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. If a majority of those are in favor of the initiated ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a vote of four-fifths (4/5) of the Councilmembers qualified and serving. A referred ordinance which is rejected by a majority of those voting in a referendum election shall be deemed thereupon repealed and may not be reenacted by the Council for a period of two (2) years.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20G. Power of recall.

The people of the city reserve the power to recall any elected official, including the Mayor or other Councilmembers, of the City of Brenham, and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty (30) per cent of the qualified voters of the city, demanding the removal of such elective officer or officers in case of the Mayor and other Commissioners voted on at large. In case of Commissioners elected from particular wards, the petition shall be signed by the qualified voters of the particular ward in number equal to at least thirty (30) per cent of the qualified voters of the particular ward, demanding the removal of such elected Councilmember. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20H. Recall election.

Within thirty (30) days after a recall petition is filed, the City Secretary shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient and the officer or official whose removal is sought does not resign within five (5) days after the certification to the Council, the Council shall

order and hold a recall election within not less than thirty (30) days nor more than sixty (60) days from the date of such certification. In case of a removal of a Councilmember representing a particular ward the election would be called as above, but for the particular ward only.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20I. Recall ballot.

Ballots used at recall elections shall conform to the following requirements: "1". With respect to each person whose removal is sought the question shall be submitted "shall (show name of officer) be removed from the office of (name of office)?" and "2". Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in the order indicated: "For the recall of (name of officer)".

"Against the recall of (name of officer)."

(Ord. of 2-21-85, § 1)

Sec. 20J. Removal of officer.

If a majority of the votes cast at a recall election shall be against removal of the officer named on the ballot, he shall continue in office. If the majority of the votes cast at such election be for the removal of the officer named on the ballot, the Council shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. An officer thus removed shall not be a candidate to succeed himself in any election called to fill the vacancy thereby created. An officer thus removed shall not be eligible to hold office again in the City of Brenham within a period of two (2) years from the date of the recall.

(Ord. of 2-21-85, § 1; Char. Amend. of 5-6-89, § 9)

Sec. 20K. Limitation on recall.

No recall petition shall be filed against an officer of the City of Brenham within six (6) months after he takes office, and no officer shall be subjected to more than one recall election during a term of office.

(Ord. of 2-21-85, § 1)

Sec. 21. [Purchasing power; competitive bids; competitive proposals.]

(a) *Purchasing power.* The City Manager or his designee shall obtain sealed written competitive bids or competitive proposals for contractual purchases exceeding ten thousand dollars (\$10,000.00), except for exempted procurements as provided by State law. Newspaper advertisement of the bid or proposal shall be provided to the public at least fourteen (14) days prior to award of contract.

(b) *Competitive bids.* The award of a sealed bid must be made according to the terms of the bid by City Council to the lowest responsible bidder. The City Council may waive any irregularities or omissions in any bid and may reject any and all bids.

(c) *Competitive proposals.* The City Council may solicit competitive proposals for high technology procurements, conduct discussions with vendors, and allow modifications of proposals with equal treatment for all vendors.

(Char. Amend. of 5-1-93, § 1)

Sec. 22. [Savings clause.]

If any section, subclause, sentence or phrase of this Charter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining Charter provisions.

(Char. Amend. of 5-1-93, § 1)